

AN ORDINANCE

98914

ESTABLISHING LANE USE RESTRICTIONS FOR TRUCKS UPON A PORTION OF INTERSTATE HIGHWAY 10 EAST AND UNITED STATES HIGHWAY 90 WEST; DECLARING CERTAIN CONDUCT TO BE UNLAWFUL AND CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING A PENALTY AND DIRECTING PUBLICATION AND PROVIDING FOR SEVERABILITY.

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WHEREAS, the Texas Department of Transportation has approved this format of traffic ordinance; and

WHEREAS, City Council desires to establish lane use restrictions for trucks upon a portion of Interstate Highway 10 East and United States Highway 90 West within the City pursuant to Section 545.0651 of the Texas Transportation Code; and

WHEREAS, a description of the restrictions established in the Ordinance has been provided to the Texas Department of Transportation pursuant to Section 545.0651(d) of the Texas Transportation Code; and

WHEREAS, the Executive Director of the Texas Department of Transportation or the Director's designee has, based upon a traffic study and the criteria established in Section 545.0651 of the Texas Transportation Code, approved the restrictions established in this Ordinance; and

WHEREAS, the City Council finds that the interests of the health, safety, and welfare of the public will be served by adopting the restrictions set forth in this Ordinance; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. That the findings contained in the preamble of the Ordinance are determined to be true and correct. As evidence thereof, documents establishing approval described in the preamble to the Ordinance have been incorporated into this Ordinance and made a part hereof as **Exhibit A**.

SECTION 2. That, as used in this Ordinance, the following terms shall have the meanings ascribed in this Section:

Authorized lanes means the two controlled access lanes on each side of the designated portion of affected highway that are most immediately to the right of the left (or inner) controlled access lane.

Designated portion of affected highway means that portion of the highways between the designated limits tabularized as follows:

HIGHWAY	FROM	TO
United States Highway 90	Interstate Highway 410 West	Loop 353
Interstate Highway 10 and United States Highway 90	Loop 353	Interstate Highway 35
Interstate Highway 10, United States Highway 87, and United States Highway 90	Interstate Highway 35	United State Highway 87
Interstate Highway 10 and United States Highway 90	United States Highway 87	Interstate Highway 410 East

Peak traffic hours means the hours between 6:00 a.m. and 9:00 p.m.

Truck means a "truck" as defined in Section 541.201 of the Texas Transportation Code that has three or more axles or a "truck tractor" as defined in Section 541.201 of the Texas Transportation Code, regardless of whether the truck tractor is drawing another vehicle or trailer.

Workday means Monday through Friday, holidays observed by the closure of City of San Antonio offices excepted.

SECTION 3. Any person driving or operating a truck on the designated portion of affected highway during the peak traffic hours on any workday shall not utilize any controlled access lane other than the authorized lanes.

SECTION 4. Enforcement of this Ordinance is subject to Section 545.0651 of the Texas Transportation Code, and the prohibition established in Section 3 of this Ordinance shall not be effective during any period of suspension or restriction of approval by the Executive Director of the Texas Department of Transportation or the Director's designee as provided in Subsection (f) of Section 545.0651 or during any period when traffic control devices that are required to be erected and maintained by the Texas Department of Transportation pursuant to Section 545.0651 are not in place, nor shall the provisions of this Ordinance be construed to prohibit operation of a truck in a lane other than an authorized lane for the purpose of passing another vehicle or for the purpose of entering and exiting the Highway. The provisions of this Section 4 shall constitute defenses to prosecution under this Ordinance.

SECTION 5. Violation of this Ordinance is unlawful, and any violation shall be punishable by a fine of not less than \$1 or more than \$200 as provided in Subchapter D of Chapter 542 of the Texas Transportation Code.

SECTION 6. If any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or

regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

SECTION 7. The City Clerk for the City of San Antonio is hereby directed to publish notice of this Ordinance as required by the Charter of City of San Antonio and the laws of the State of Texas.

SECTION 8. This ordinance shall become effective on the fifth day after publication in accordance with Article 2, Section 17, of the City Charter but in no event less than the tenth day after passage by City Council.


PASSED AND APPROVED this 4th day of March 2004.




M A Y O R

EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney